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Attorney Docket No.: LYRN004US0

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Customer No. 37,141REMARKS:

Claims 1-22 are currently pending in the application, and have been rejected.

Reconsideration of the Examiner's rejection of claim 1 under 35 U.S.C. § 102(a) as being anticipated by U.S. 6,097,955 (Bhat) is respectfully requested.

In their previous response, Applicants noted that:

In order to anticipate a claimed invention, a cited reference must disclose each and every element of the claimed invention. In the present case, Bhat does not anticipate the claimed invention, because Bhat does not disclose the element recited in claim 1 of

if the message is not in the selected application format:

routing the message to a next location; and

if the message is in the selected format:

routing the message to a selected application processor;

processing the message by the selected application processor; and

routing the message to the next location.

To the extent that the Examiner's argument can be followed, the Examiner appears to argue that the element of an "application format" is met in the system of Bhat by the status of a message as a paging message or a regular call control message, and that the radio cluster servers 220-222 are the "application". The Examiner also appears to construe the data processors of the radio cluster servers as the "application processor".

However, the Examiner is respectfully reminded that he is not free to adopt an interpretation of a prior art reference which is at odds with the express teachings of the reference itself. In the present case, element 302 in the system of Bhat is explicitly labeled as the "application processor", and this element specifically includes as components thereof the radio cluster servers 322-324 and the communication module 320 (see FIG. 3). Hence, the Examiner is not free to designate another element, such as the radio cluster servers 322-324 or elements hereof, as the "application processor" because to do so would be to disregard the explicit teachings of the reference.

With the foregoing understanding, it is clear that Bhat does not anticipate the presently claimed invention because, in the system described therein, the message is routed to the application processor whether or not it is a paging message (that is, whether or not, under the Examiner's interpretation of Bhat, the message is in the "selected application format"). Hence, the recited element of claim 1 is not met by the system of Bhat.

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In the present office action, the Examiner responds that

Bhat teaches the radio cluster servers 322-324 are software modules within the CPU of the application processors 302 (col. 6, 13-15).

However, Applicants respectfully submit that this comment is not responsive the Applicants arguments, since the mere fact that the radio cluster servers are software modules within the CPU of the application processors of Bhat does not refute Applicants' arguments, nor has the Examiner deigned to explain himself any further. If the Examiner means to say that the radio clusters may be considered to be the "application processor" because they are elements of the application processor 302 of Bhat, then Applicants respectfully note that the Examiner's argument is logically flawed. By way of analogy, it does not follow from the fact that the Earth is an element of the universe that the Earth is the universe.

Moreover, Applicants respectfully note that the Examiner's comment refutes his own argument. In particular, both the radio cluster servers 322-324 and the communication module 320 are components of the application processor 302. Consequently, the communication module 320 cannot be the "next location" as that term is used in claim 1, because claim 1 requires that the "next location" is distinct from the application processor. In particular, claim 1 specifically requires that:

if the message is in the selected format:
 routing the message to a selected application processor;
 processing the message by the selected application processor; and
 routing the message to the next location.

Hence, for claim 1 to read on the system of Bhat, the "next location" would have to be the switching network 310. However, in the system of Bhat, the message is routed to the switching network 310 regardless of whether the message is a paging message or a regular call control message. Therefore, the Examiner's proposed interpretation of Bhat does not result in the claimed invention as required to support a rejection under 35 U.S.C. § 102(a).

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Reconsideration of the Examiner's rejection of claims 2-6 and 19-21 under 35 U.S.C. § 103(a) as being anticipated by U.S. 6,097,955 (Bhat), and further in view of U.S. 6,560,450 (Rosenberg et al.), is respectfully requested.

In their previous response, Applicants presented several arguments as to why the Examiner's arguments were incorrect, and as to why the subject claims were allowable. In the present Office Action, the Examiner has merely repeated verbatim his previous rejections, without responding to Applicants' arguments, pointing out any errors in those arguments, or offering any clarification of his previous arguments. Applicants therefore respectfully request that the Examiner either allow the rejected claims, or specifically point out the errors in Applicants' arguments. For the Examiner's reference, Applicants previously submitted arguments are reproduced below.

In order to render a claimed invention obvious, a proposed combination of references must teach or suggest each and every element of the claimed invention. In the present case, the term "application processor" is used in Bhat to include the distributed network interface module 318, the radio cluster servers 322-324, and the communication module 320 (see FIG. 3). Moreover, in the system of Bhat, all communications are routed from the interconnection ring 308 to the application processor 302 and then to the switching network 310. Hence, Bhat does not teach or suggest the element recited in claim 1 of

if the message is not in the selected application format:
 routing the message to a next location; and
if the message is in the selected format:
 routing the message to a selected application processor;
 processing the message by the selected application processor; and
 routing the message to the next location. [emphasis added]

This infirmity is not cured by Rosenberg et al., because Rosenberg et al., which is cited here as a secondary reference, does not teach or suggest modifying the application processor in the system of Bhat in a way that would result in the foregoing claim limitation being met. Thus, the proposed combination of Bhat and Rosenberg et al. do not support a prima facie case of obviousness.

With respect to claim 2, the Examiner concedes that Bhat does not teach the element of the message being a packet, but argues that

it would have been obvious to one of the ordinary skill in the art at the time the invention was made the modified the teaching of Bath of incorporate the feature of

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packet because this provides the simple determination of the direction in which the packet should be routed over the network [sic].

However, Applicants respectfully note that the grey code package routing methodology described in Rosenberg et al. is peculiar to a satellite network. Since the satellites are in constant motion about the earth, the use of gray codes permits the satellites to efficiently route a message to the satellite currently in position to download to the appropriate ground-based cell.

However, there is nothing in Bhat which teaches or suggests the use of satellite nodes as components of the application processor. To the contrary, Bhat teaches at Col. 5, Lines 39-41, that "Each application processor 302, 304 and 306 is a computer adapted for processing call messages within the cellular communication system 300." [emphasis added] Moreover, when Bhat is construed as a whole for what it fairly suggests to one skilled in the art, the reference strongly suggests that the components of the application processor 302 (and specifically, the distributed network interface module 318, the radio cluster servers 322-324, and the communication module 320 of the application processor 302) reside in a single CPU. Thus, at Col. 5, Line 60 to Col. 6, Line 17, Bhat notes that

The improved distributed network interface module 318 and the improved communications module 320 may be implemented as distinct respective data processors or within one data processor.

In a preferred embodiment of the present invention, the improved distributed network interface module 318 and the improved communications module 320 are software modules within the CPU of the application processor 302. Alternatively, the improved distributed network interface module 318 and the improved communications module 320 may be implemented as individual hardware units such as data processors.

... In a preferred embodiment of the present invention, the radio cluster servers 322-324 are software modules within the CPU of the application processor 302. Alternatively, the radio cluster servers 322-324 may be implemented as individual hardware units such as data processors. [emphasis added]

In light of the foregoing, one skilled in the art would have no incentive to modify Bhat to include packets of the type taught in Rosenberg et al. which contain grey codes, because the components of the application processor 302 of Bhat are disposed on a single CPU. Hence, there is no teaching in

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either reference to implement these elements as a satellite system. While it could be argued that a system of the type disclosed in Rosenberg et al could be employed in other parts of Bhat, doing so would not result in the invention as claimed.

With respect to claim 6, the Examiner relies on Rosenberg et al. for the teaching that the message is encrypted, and that the step of processing the message by the selected application processor includes decrypting the message by the selected application processor. Here, the Examiner points to Col. 5, lines 54-58 of Rosenberg et al., which says:

The packets contain a header which includes a destination address and a sequence field. The payload in the packet contains the encoded user data, which can be from any kind of multimedia service and can include, for example, voice, video or data. The terminals at the edges of the satellite network carry out the coding and decoding of this data.

However, the Examiner is respectfully reminded that it is insufficient for the purposes of establishing a prima facie case of obviousness to merely find all of the features of a claimed invention in two or more prior art references. Rather, the Examiner must demonstrate that one skilled in the art would have incentive to make the proposed combination of teachings, and that the proposed combination would result in the invention as claimed.

In the present case, Applicants respectfully note that the "application processor" in the system of Bhat, even under the Examiner's proposed interpretation of the term, is not located at the edge of the network. Rather, it is located in the middle of the network and, in particular, is disposed between the interconnection ring 308 and the switching network 310. Rosenberg et al. does not teach or suggest modifying the location of the application processor, nor could the location of the application processor be changed without causing the system of Bhat to no longer work for its intended purpose.

The location of the application processor in the system of Bhat is significant because the section of Rosenberg et al. cited by the Examiner describes decoding the "encoded user data", which is said to reside in the packet payload. However, given its location in the middle of the network, one skilled in the art would have no motivation to modify the application processor of Bhat to cause it to perform decryption of the packet payload.

First of all, such decryption is not necessary to route the packet, since the packet destination information is contained in the packet header, not the payload. Secondly, decrypting the

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packet payload at this point in the network would compromise the security of the network because the message is not close to its destination and, hence, is subject to interception (in particular, the message must still traverse the switching network 310 and must then be transmitted to the appropriate cell to reach its destination). Thirdly, Rosenberg et al. itself teaches away from decryption in the middle of the network; hence, in the section cited by the Examiner, Rosenberg et al. notes that decryption occurs "at the edges of the satellite network". Fourthly, as shown by Col. 2, Lines 48-50 of U.S. 6,578,147 (Shanklin et al.) (cited by the Examiner elsewhere in the present office action), any legitimate process which might require decryption of the packet payload, such as intrusion detection, would occur at an entry point to the network, not in the middle of the network.

Moreover, the proposed combination of references does not teach the necessity or desirability of decoding the message with the application processor. In particular, Rosenberg et al. teaches a packet structure in which the header information, which contains the destination address, is separate from the message payload. See Col. 5, Lines 54-58. Hence, it is not necessary to decode the packet payload in order to determine the packet destination. Indeed, Rosenberg et al. teaches as much by suggesting, in the cited passage, that the terminals at the edge of the satellite network carry out encoding and decoding of the payload.

Reconsideration of the Examiner's rejection of claims 7-12, 14 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.), is respectfully requested.

In their previous response, Applicants argued that

The Examiner argues that the terminals at the edge of the network in the system of Rosenberg et al. constitute particular "applications". While Applicants acknowledge that the Examiner is entitled to interpret claim terminology broadly for the purposes of examination, this liberty is not unfettered. Rather, the meaning which the Examiner assigns to claim terminology must be consistent with the meaning which would be assigned to it by one skilled in the art.

In the present case, one skilled in the art would not consider the terminals at the edge of the network in the system of Rosenberg et al. to be "applications", nor has the Examiner provided any explanation for this rather tenuous interpretation of the claim terminology. A definition of the term "application", provided from Wikipedia, is set forth in EXHIBIT A. As seen therein, the term refers to software,

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not hardware, so it is not possible for the terminals at the edge of the network in Rosenberg et al. to constitute "applications".

Moreover, the term cannot refer to the software installed on these edge terminals, because then the packets would not constitute "application-specific messages" as required by the claims. In particular, the claims require that "the plurality of application-service devices are configured to receive a plurality of unprocessed application-specific messages from the fabric" and that "each unprocessed application-specific message is configured to be processed by a particular application". However, nothing in Rosenberg et al. indicates that the packets described therein are configured to be processed only by the particular set of software installed on a particular edge terminal. To the contrary, in order for the network to work for its intended purpose, the software installed on any given edge terminal would have to be adapted to process any packet sent to it by one of the satellite nodes, and other software installed on other edge terminals in the network would also have to be adapted to process the packet, since any packet transmitted over the satellite network must traverse at least two different edge terminals. Hence, under such an interpretation of the term "application", the packets would not be "application-specific" as that term is used in the claim. [emphasis added]

In response to Applicants' arguments, the Examiner replies that:

Rosenberg teaches each packet is provided with a header incorporating a destination address which is read or decoded by a satellite node, col. 4, ln 47-50), the terminals at the edges of the satellite network carry out the coding and decoding of this data, (col 5, ln 55-58). Each decoding of a satellite node within the satellite node is a particular application which is used to process the message.

The Examiner further replies that:

Rosenberg teaches each packet is provided with a header incorporating a destination address, col. 4, ln 47-50/the packet contain a header which includes a destination [application] address and a sequence filed. The payload in the packet contains the encoded user data, which can be from any kind of multimedia service and can include, for example, voice, video, or data (col 5, ln 52-58). Since the packets contain information from the specific application, the packets are application-specific messages.

As a preliminary matter, Applicants respectfully note that the Examiner appears to have contradicted himself in his interpretation of Rosenberg. In particular, in the first paragraph noted above, the Examiner argues that "Each decoding of a satellite node within the satellite node is a particular application which is used to process the message", while in the second paragraph noted above, the Examiner argues that "The payload in the packet contains the encoded user data, which

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can be from any kind of multimedia service and can include, for example, voice, video, or data ... Since the packets contain information from the specific application, the packets are application-specific messages". Hence, the Examiner appears to have assigned the moniker of the "application" to both the decoding process employed by a satellite node, and to whatever software was used to create the payload data in the packets of Rosenberg.

Moreover, it is also unclear from the Examiner's comment above, and from the language of the previous office action, whether the Examiner considers the processing performed by the satellite node or the processing performed by the edge terminal to be the "particular application" which is used to process the message. Confusingly, the Examiner refers to both in his explanation, an issue further clouded by the Examiner's perplexing choice of verbiage (e.g., "each decoding of a satellite node within the satellite node").

However, Applicants note that the satellite nodes and the terminals at the edges of the satellite network in the system of Rosenberg are distinct entities. Thus, as noted at Col. 1, Line 66 to Col. 2, Line 1 of Rosenberg, "A particular problem in such a system is that of routing traffic between two ground based terminals via a succession of satellite nodes." It is thus clear that the terminals at the edge of the network are ground-based terminals in that system, while the satellite nodes are satellites (and hence not ground-based). Moreover, Applicants note that the processing performed by a satellite node in the system of Rosenberg is different from the processing performed by an edge terminal in that system. In particular, the processing performed by an edge terminal includes coding and decoding of the packet payload data (see Col. 5, Lines 52-57), while the processing performed by a satellite node is limited to reading or decoding the destination address incorporated into the packet header (see Col. 4, Lines 48-51).

As Applicants explained in their previous response, the processing performed by an edge terminal cannot be the "particular application" referred to in the present claims, because interpreting the claim language in this matter would cause the proposed combination of references to fail to result in the claimed invention as required to establish a prima facie case of obviousness:

The Examiner also argues that the satellite nodes are application service devices. However, claim 7 requires that "the fabric is adapted to route each of the plurality of unprocessed application-specific messages to an application service device adapted to process the message with the particular application". If the terminals at the edge of the network are "applications" as the Examiner alleges, then it is the terminals at the edge of the network, and not the satellite nodes themselves

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(the so-called "application service devices"), that process the message. Hence, the interpretation proposed by the Examiner would not result in the claimed invention as it must in order to support the obviousness rejection.

Moreover, claim 7 requires that "the plurality of application service devices are configured to receive a plurality of unprocessed application-specific messages from the fabric". Claim 7 also requires that "the plurality of application service devices are further configured to process the unprocessed application-specific messages" and that "the plurality of application service devices are further configured to send the each processed application-specific message to the fabric". Under the Examiner's interpretation, the terminals at the edge of the satellite network are the "applications", and the satellite nodes are the "application service devices". That being the case, claim 7 requires a directionality in the system of Rosenberg et al., because the claim requires, under the Examiner's interpretation, that the satellite node send a message to the edge terminal for processing.

However, in the system of Rosenberg et al., the satellite nodes only send messages to the edge terminals during a download operation. Once the download operation is complete, the message processed by the edge terminal is not returned to the satellite node. Hence, under the Examiner's interpretation, the system of Rosenberg et al. fails to meet the limitation of "the plurality of application service devices are further configured to send the each processed application-specific message to the fabric".

However, the processing performed by a satellite node in the system of Rosenberg also cannot be the "particular application" referred to in claim 7, because claim 7 explicitly requires that "each unprocessed application – specific message is configured to be processed by a particular application". This requirement cannot be met by the decoding performed at a satellite node in the system of Rosenberg, because all of the satellite nodes in the system of Rosenberg are necessarily adapted to process a message transmitted over the network. In particular, as noted at Col. 1, Line 66 to Col. 2, Line 11 of Rosenberg, in a satellite network of the type described therein, the topology of the network changes rapidly due to the fact that satellite coverage varies as a function of time. Hence, the particular satellite node which will be in position to deliver the message to the proper edge terminal is not known at the time the message is sent. Therefore, all of the satellite nodes must be adopted to performed the decoding step referred to by the Examiner. Indeed, if this were not the case, the satellite nodes would not be able to implement the gray code-based routing methodology described therein. It therefore cannot be said of the system of Rosenberg that "each unprocessed application – specific message is configured to be processed by a particular application", as required

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by claim 7, since in fact, a message traversing the network of Rosenberg is configured to be decoded by any satellite node in the network.

Applicants further note that claim 7 requires that "the fabric is adapted to route each of the plurality of unprocessed application-specific messages to an application service device adapted to process the message with the particular application". However, if the decoding performed at a satellite node in the system of Rosenberg is the particular "application" used to process the message as the Examiner asserts, then the application-specific message is not "unprocessed" when it arrives at the application service device, because decoding of the header of the packet is necessary for the packet to be routed to its destination and will be performed by at least one edge terminal and any intervening nodes before the packet arrives at a particular satellite node in the network.

In their previous response, Applicants also noted that:

Moreover, claim 7 requires that "the plurality of application service devices are configured to receive a plurality of unprocessed application-specific messages from the fabric". Claim 7 also requires that "the plurality of application service devices are further configured to process the unprocessed application-specific messages" and that "the plurality of application service devices are further configured to send the each processed application-specific message to the fabric". Under the Examiner's interpretation, the terminals at the edge of the satellite network are the "applications", and the satellite nodes are the "application service devices". That being the case, claim 7 requires a directionality in the system of Rosenberg et al., because the claim requires, under the Examiner's interpretation, that the satellite node send a message to the edge terminal for processing.

However, in the system of Rosenberg et al., the satellite nodes only send messages to the edge terminals during a download operation. Once the download operation is complete, the message processed by the edge terminal is not returned to the satellite node. Hence, under the Examiner's interpretation, the system of Rosenberg et al. fails to meet the limitation of "the plurality of application service devices are further configured to send the each processed application-specific message to the fabric".

In the present office action, the Examiner responds that:

Rosenberg teaches the functions carried out by the cell are: generation of packets, shaping in addressing of packets, transmission of packets to the satellite, reception of packets from the satellite, and analysis and generation of statistics of received packets (col 9, ln 52-57), the switch on-board [fabric] is connected to receivers and transmitter for the communication with cells by the up-links and down links (col 10, ln 37-40).

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However, Applicants respectfully note that none of these functionalities which the Examiner is ascribing to a cell in the system of Rosenberg refute Applicants' arguments. First of all, the functionalities of a cell in Rosenberg are not in question, since Applicants arguments went to the respective functionalities of the satellite nodes and edge terminals. Secondly, none of these functionalities refute Applicants' contention that, once the download operation from a satellite node to an edge terminal is complete, the message subsequently processed by the edge terminal is not returned to the satellite node as would be required for the Examiner's interpretation of Rosenberg to result in the claimed invention.

Reconsideration of the Examiner's rejection of claims 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.), and further in view of Troubleshooting (TB), is respectfully requested.

In their previous response, Applicants argued that:

The Examiner concedes that neither Rosenberg et al. nor Shanklin et al. teach the element of at least one of the application service devices comprising an SSL/TLS processor, but relies on TB for this teaching. However, the Examiner is respectfully reminded that it is insufficient for the purposes of establishing a prima facie case of obvious to merely find a collection of references which, as an aggregate, happen to disclose all of the elements of a claimed invention. Rather, the Examiner must show that TB would suggest to one skilled in the art to modify the teachings of Rosenberg et al. and Shanklin et al. so as to arrive at the claimed invention.

In the present case, TB is essentially a glossary which, at best, merely shows that SSL/TLS is a protocol which is known to the art. The reference does not, by itself, provide any suggestion about how Rosenberg et al. or Shanklin et al. might be modified to include such a protocol. The Examiner suggests that it would have been obvious to one of ordinary skilled in the art at the time the invention was made to combine the teachings of Rosenberg et al., Shanklin et al. and TB because the SSL/TLS protocol would improve the performance of the systems of Rosenberg et al. and Shanklin et al. by allowing them to implement encryption acceleration hardware. However, claim 13 specifically requires that at least one of the plurality of application service devices comprises an SSL/TLS processor. In rejecting the base claim, the Examiner interpreted the satellite nodes of Rosenberg et al. to be the application service devices. Hence, for the Examiner's current rejection to be

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logically self-consistent, one of the satellite nodes of Rosenberg et al. must be an SSL/TLS processor.

However, one skilled in the art would have no incentive to utilize one of the satellite nodes of Rosenberg et al. as an SSL/TLS processor. SSL/TLS processors are computationally intensive and require a large amount of information storage and processing. As noted at Col. 2, Lines 5-15, the cost of placing assets of this type in space is considerable, and hence would be undesirable. Therefore, if one skilled in the art were to modify the system of Rosenberg et al. to include an SSL/TLS processor, one skilled in the art would place such a processor in a ground-based system, where the implementation would be far less expensive. Hence, the Examiner has failed to show the desirability of the proposed combination of teachings. Moreover, if the SSL/TLS processor were implemented in a ground-based system, then the proposed combination of references would not result in the claimed invention, since none of the satellite nodes of Rosenberg et al. (which the Examiner has interpreted as the application service devices) would be SSL/TLS processors.

With respect to claim 15, the Examiner's arguments are similar to his arguments with respect to claim 13. Hence, Applicants' response to these arguments is similar to their response to the Examiner's arguments with respect to claim 13.

In the present Office Action, the Examiner offers no rebuttal of this argument. Therefore, Applicants respectfully request the Examiner to either allow these claims or to explain his reasoning in his continued rejection of these claims.

Reconsideration of the Examiner's rejection of claim 22 under 35 U.S.C. § 103(a) as being anticipated by U.S. 6,097,955 (Bhat), and further in view of U.S. 6,820,250 (Muthukumar et al.), is respectfully requested.

In the previous office action, the Examiner argued that:

Bhat and Rosenberg do not teach the first/second iteration, a pipeline. However, Muthukumar teaches iteration, a pipeline (the first iteration, last iteration, the software pipeline, col 2, ln 64-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Bhat and Rosenberg with Muthukumar to incorporate the feature of iteration, a pipeline because this allows the system to improve the performance of software pipelined loops.

In their previous response, Applicants replied:

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The Examiner concedes that Bhat does not teach a first and second iteration as recited in the claim, and also does not teach a pipeline. However, the Examiner relies on Muthukumar et al. for these elements. Specifically, the Examiner argues that it would be obvious to modified the teaching of Bhat to incorporate the features of iteration and a pipeline because doing so "allows the system to improve the performance of software pipeline loops."

However, Applicants respectfully note that the Examiner has employed circular logic in making the present rejection. In particular, the Examiner has not established that the system of Bhat contains a software pipeline loop and, indeed, has conceded that Bhat does not teach a pipeline. It thus cannot be said that one skilled in the art would have any incentive to improve the performance of the software pipeline loop of Bhat as the Examiner suggests, given that no such pipeline exists. It is therefor respectfully submitted that the Examiner has failed to provide suitable incentive for one skilled in the art to modify Bhat in light of Muthukumar et al. in the manner suggested.

In the present Office Action, the Examiner merely repeats, verbatim, the rejection of claim 22 made in the previous office action, including the various spelling and grammatical errors contained therein. The Examiner fails to point out any errors in Applicants' arguments, or to further explain his position so that such errors might be apparent. Applicants therefore respectfully request that the Examiner either allow the subject claim, or explain the grounds upon which they continue to be rejected. This explanation should point out any disagreements the Examiner has with Applicants' comments.

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It is believed that no further fees are due with this response. However, if any fees are due, or if a credit is deemed appropriate, the Commissioner is hereby authorized to charge these fees, or to credit any overpayment, to the deposit account of Fortkort & Houston, Deposit Account No. 50-3694. Please reference our Docket No. LYRN004US0.

Respectfully submitted,

FORTKORT & HOUSTON P.C.

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